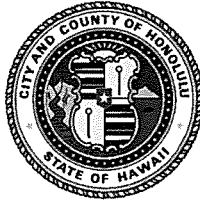


PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8007 • FAX: (808) 768-6743
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DEAN I. HAZAMA

July 15, 2013

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

SUBJECT: Request for a Change in Zoning from the P-2 General Preservation District
to the AG-2 General Agricultural District, Mokuleia,
Tax Map Keys: 6-8-002: 010 and 014


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The Planning Commission held a public hearing on July 10, 2013 on the above subject matter. One person testified and no written testimonies were received. The public hearing was closed on July 10, 2013.

The Planning Commission voted on July 10, 2013 to recommend approval of the Applicant's original request for AG-2 zoning, with the conditions recommended by the Director of the Department of Planning and Permitting, plus an additional condition in the Unilateral Agreement that there be no more than four farm dwellings on the two parcels.

Attached is the report from the Director of the Department of Planning and Permitting and the Department's original copy of the draft Bill, which makes a recommendation of AG-1 zoning.


Sincerely,


for 
Cord Anderson, Acting Chair
Planning Commission

APPROVED:


Kirk Caldwell
Mayor

APPROVED:


George I. Atta, FAICP, Director
Department of Planning and Permitting


Ember Lee Shinn
Managing Director

DEPT. COM. 546

CA:gct

Authorization George I. Atta
Advertisement June 28, 2013
Public Hearing July 10, 2013

DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

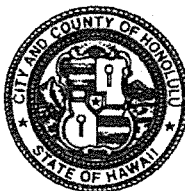
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GEORGE I. ATTA, FAICP
DIRECTOR

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

2013/Z-4 (mw)

June 20, 2013

MEMORANDUM

TO: KA'IULANI K. SODARO, CHAIR
AND MEMBERS OF THE PLANNING COMMISSION

FROM: *George I. Atta*
GEORGE I. ATTA, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: REQUEST FOR A CHANGE IN ZONING FROM THE P-2 GENERAL
PRESERVATION DISTRICT TO THE AG-1 RESTRICTED AGRICULTURAL
DISTRICT, MOKULEIA, OAHU, TAX MAP KEYS: 6-8-002: 010 AND 014

Transmitted for appropriate action is our report and recommendation for a proposed zone change. The Applicant, Kealia Farms, LLC, had requested to change the zoning of approximately 13.1 acres of two parcels from the P-2 General Preservation District to the AG-2 General Agricultural District, and plans to start a farm operation along with some farm dwellings. The existing P-2 zoning allows farming but not farm dwellings.

The Department of Planning and Permitting (DPP) recommends a change to AG-1 Restricted Agricultural District instead of AG-2 General Agricultural District as more appropriate in meeting the guidelines of the Land Use Ordinance.

Although the DPP's recommendation was not reviewed by public agencies or interested organizations, the difference between AG-1 and AG-2 zoning is not likely to change the comments already submitted. In prior letters, both the North Shore Neighborhood Board No. 27 and the Mokuleia Community Association have expressed support for agricultural zoning in general for this property, and had no objection to AG-2 zoning. Both organizations also supported a May 2011 revision to the North Shore Sustainable Communities Plan which redesignated this site from Preservation to Agriculture.

The DPP's recommendation for AG-1 zoning is consistent with the General Plan and the North Shore Sustainable Communities Plan. It is also generally consistent with the purpose and intent of the AG-1 Restricted Agricultural District, although the sandy soil has a low crop productivity rating. As a coastal property, we recommend approval, subject to conditions relating to an Archaeological Inventory Study, a 60-foot shoreline setback, flora and fauna, and other standard conditions.

Ka'iulani K. Sodaro, Chair
and Members of the Planning Commission
June 20, 2013
Page 2

Please review the report and recommendation and forward them, together with your findings and recommendation through the Mayor, to the City Council.

GIA:js

Attachments

cc: Ember Lee Shinn, Managing Director
Kealia Farms, LLC

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)

OF)

FILE NO. 2013/Z-4

KEALIA FARMS, LLC)
FOR A ZONE CHANGE FROM)
P-2 GENERAL PRESERVATION)
DISTRICT TO AG-2 GENERAL)
AGRICULTURAL DISTRICT)

FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information

PROJECT NAME	:	Kealia Farms
APPLICANT	:	Kealia Farms, LLC
AGENT	:	Philip Kai Binney
LANDOWNER	:	Kealia Farms, LLC
LOCATION	:	Kealia Beach, Mokuleia, Oahu (Attachment 1)
TAX MAP KEYS	:	6-8-2: 10 (5.591 acres) and 14 (7.498 acres)
TOTAL LAND AREA	:	Approximately 13.1 acres
RECORDATION	:	Land Court
STATE LAND USE DISTRICT	:	Agricultural District (Attachment 1)
DEVELOPMENT PLAN AREA	:	North Shore Sustainable Communities Plan
DEVELOPMENT PLAN LAND USE MAP	:	Site is within an area designated for agricultural uses in the North Shore Sustainable Communities Plan
EXISTING ZONING	:	P-2 General Preservation District (Attachment 1)

SHORELINE SETBACK/ SPECIAL MANAGEMENT AREA	:	Within the Special Management Area and partly within the Shoreline Setback Area
EXISTING USE	:	The site for rezoning is currently in open space
SURROUNDING LAND USES	:	To the south, across Farrington Highway, is Dillingham Airfield, most of which stretches mauka to the foothills of the Waianae Range. To the west along the shoreline are Mokuleia Army Beach, Camp Erdman, and Kaena Point beaches. To the east along the shoreline are house lots zoned P-1, other beach lands, Mokuleia Beach Park, an area of beachfront homes, and the polo field. Mauka of the east end of the airfield runway are farm land and open space areas extending further east into the Dillingham Ranch area, with mountainous areas further mauka of that.

- B. Proposal. The Applicant proposes to change the zoning of approximately 13.1 acres from the P-2 General Preservation District to the AG-2 General Agricultural District.

The Applicant would like to grow noni fruit (Indian mulberry) for its health and beauty uses and develop possibly up to four farm dwellings. The 13-acre site will also continue to have windbreak trees, so that its heavily vegetated appearance will continue. The Application also states that the Applicant "...will maintain and develop the two existing lots of record...with no further subdivision of the property".

The Department of Planning and Permitting (DPP) is recommending that the property be rezoned to the AG-1 Restricted Agricultural District. AG-1 zoning would allow the same farm operation and farm dwellings, but only one farm dwelling per parcel. If the two parcels were consolidated into one, AG-1 zoning would still allow only two farm dwellings, whereas AG-2 zoning would allow six under an Agricultural Cluster Permit.

- C. Background. Prior to 1934, the project site (two adjacent beachfront parcels at Kealia Beach) saw little use until it became part of Mokuleia Ranch's grazing lands. This use was interrupted from 1958 to 1967 by an off-beach sand mining and quarry operation which removed sand from various parts of the site. Recently, the site has been owned by various parties, with the current landowners taking over in 2012. The Application states that the new owners have been studying the most feasible agricultural uses for their property by: (1) consulting with an agricultural expert at the University of Hawaii, (2) experimenting with sample crops on adjacent beachfront land owned by one of the new landowners, and (3) finding a Hawaiian noni juice and health products company willing to buy all of the noni fruit produced on the property.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. Description of Site/Surrounding Land Uses.

1. Location and Current Use. The project site is an unused wooded area located along Kealia Beach in Mokuleia, just across Farrington Highway from the Dillingham Airfield, and just east of Army Beach. The site has ironwood trees on its periphery. Over time, grazing areas have been taken over by shrubs and small trees. Roadway access is from Farrington Highway.
2. Topography. The project site is very flat except where the property drops down to the beach. Much of the site is 8 or 9 feet above sea level, but the site does include an area of beach at its western end that may be only 1 to 4 feet above sea level, and the beachside edge of the main area mostly runs along the edge of the vegetation line, and may be only 3 to 7 feet above sea level. The Application contains a map of Historical Shorelines by the University of Hawaii School of Ocean and Earth Science and Technology showing shoreline changes from 1928 to 2005. This map shows that the shoreline along the project site has remained fairly stable over time, with erosion around Kealia Point but little or no change elsewhere.
3. Soils. According to the United States Department of Agriculture's Natural Resources Conservation Service (NRCS), the project area has a soil type of "Jaucus sand, 0 to 15 percent slopes". This soil type is made up of Jaucus sand and mixed clay loam, and is a sandy, well-drained soil common on Oahu. According to the Application and information from the Agent, most of the soil surface on the project site is dark brown topsoil, due to the accumulation of organic matter and alluvium. But the underlying soil is mostly sand, except in the many places where sand mining occurred and where fill and topsoil were then brought in to fill up the holes.

The University of Hawaii Land Study Bureau's Detailed Land Classification for the Island of Oahu (1972) classifies the project site as E-7, which is a low crop productivity rating. The site is only suitable for crops that are salt tolerant and grow well in a sandy environment.

The project site is not rated by the Agricultural Lands of Importance to the State of Hawaii (ALISH) system map. According to the application, grazing has been the only prior agricultural activity on the site.

4. Surrounding Uses. The project site is bounded by Kealia Beach on the north and by Farrington Highway and Dillingham Airfield on the south. Just to the west along the shoreline is Army Beach, and further west are Camp Erdman and the Kaena Point beaches and mountains. Just to the east along the shoreline are beachfront Conservation land house lots, and further east are other beach lands, Mokuleia Beach Park, an area of beachfront homes, and the polo field. On the north side of the property across Farrington Highway is the large mauka area occupied by Dillingham Airfield.

- B. Other Permits/Approvals Required. The Applicant will need to obtain all necessary Federal, State, and City permits and approvals including, but not limited, to:
1. Federal Approvals
 - Federal Aviation Administration Notice of Proposed Construction or Alteration (for any building construction, since the site is right next to Dillingham Airfield)
 2. State Approvals
 - Individual Wastewater Systems
 3. City Approvals
 - Grading, Grubbing, and Stockpiling Permits
 - Building Permit
- C. Public Agency Notification/Comments. On March 1, 2013, the following public agencies were requested to evaluate the impact of the proposed zone change on their facilities and services. Agencies that submitted written comments are identified with a plus sign (+). Agencies stating that they have “no comments,” “no objections,” or “no impacts on services provided” are identified with an asterisk (*). Significant comments received are addressed in Section III of this report. All written responses are included in their entirety in **Attachment 2**.
1. City Agencies:
Board of Water Supply (BWS)+*
Department of Parks and Recreation (DPR)+*
Honolulu Fire Department (HFD)+
Honolulu Police Department (HPD)+*
 2. State Agencies:
Department of Agriculture (DOA)
Department of Health (DOH)+
Department of Land and Natural Resources (DLNR)+*
DLNR State Historic Preservation Division (SHPD)
Department of Transportation (DOT)+
Office of Hawaiian Affairs (OHA)+
Department of Business, Economic Development and Tourism (DBEDT)
DBEDT Office of Planning (OP)+
- D. Community and Adjoining Property Owners' Notification/Comments. Pursuant to Section 21-2.40-2(b) (2), Revised Ordinances of Honolulu (ROH), the Applicant notified adjacent property owners of the proposed zone change. In accordance with the Land Use Ordinance (LUO), the Applicant presented the proposed zone change to the Mokuleia Community Association on September 8, 2012, at which time the community association voted unanimously to support the Applicant's zone change request. The North Shore Neighborhood Board (NB) No. 27 declined to hear this matter. However, its chair submitted a letter of support for the project, which also mentioned the board's earlier support for the new North Shore Sustainable Communities Plan (May 2011), which has been revised to put the project site under the Agricultural Land Use designation, rather than the Preservation designation.

On March 1, 2013, the DPP mailed copies of the Zone Change Application and/or notices about the proposed zone change to the North Shore NB No. 27, Wahiawa Satellite City Hall, area elected officials, the Hawaiian Electric Company, nearby property owners, the Mokuleia Community Association, the Waiialua Community Association, the Hawaii Farm Bureau Foundation, and other interest groups. All written responses are included in their entirety in **Attachment 2**.

To date, the only community comments received have been from two nearby property owners. Concerns were expressed about the adequacy of the private water service (in terms of future farming operations). The main point that Messrs. Chung and Opperman made is that the private water service has a very limited capacity, and that the Applicant should confirm with the service's current operator, the Airports Division of the State DOT, that the Applicant can begin using this water service and that there is adequate water to supply at least limited farming and home use. In addition, Mr. Chung questions the possible use of well water for farming, since: (1) it may possibly be salt water rather than brackish water, (2) the amount of water that can be pumped out without affecting the area's groundwater resources may be limited, and (3) it may take about 10 years to get a well permit if local groundwater resources might be significantly impacted.

III. ANALYSIS

A. Compliance with State Land Use Legislation.

1. Chapter 205, Hawaii Revised Statutes (HRS), Land Use Commission. The project site is in the State Agricultural District. The proposed farming operation is consistent with the purposes of the State Agricultural District.

B. Compliance with City Land Use Legislation.

1. General Plan of the City and County of Honolulu (Amended October 3, 2002 by Resolution 02-205, CD1). The proposed zone change and the intended uses on the site adhere most directly to the following General Plan objectives and policies.

II. Economic Activity

Objective C: "To maintain the viability of agriculture on Oahu."

Policy 5: "Maintain agricultural land along the Windward, North Shore, and Waianae coasts for truck farming, flower growing, aquaculture, livestock production, and other types of diversified agriculture."

VII. Physical Development and Urban Design

Objective D: "To maintain those development characteristics in the urban-fringe and rural areas which make them desirable places to live."

Policy 4: "Maintain rural areas as areas which are intended to provide environments supportive of lifestyle choices which are dependent on the availability of land suitable for small to moderate size agricultural pursuits, a relatively open and scenic setting, and/or a small town, country atmosphere consisting of communities which are small in size, very low density and low rise in character, and may contain a mixture of uses."

The proposed rezoning is in conformance with these objectives and policies. The Applicant intends to keep this land available for agricultural use of noni cultivation, which will result in a relatively open, low density setting in this rural area.

Chapter 24, ROH, Article 8, North Shore Sustainable Communities Plan (SCP). Section 24-8.5(c), ROH provides that all proposed developments in the North Shore shall be reviewed for their consistency with the vision, policies, and guidelines of the North Shore SCP. The consistency of the proposed zone change with the vision statements, policies, and guidelines of the SCP is discussed below:

- a. The North Shore's Role in Oahu's Development Pattern. According to Section 1 of the North Shore SCP, the role of the North Shore "is to maintain the rural character, agricultural lands, open space, natural environment, recreational resources and scenic beauty of Oahu's northern coast, in contrast to more urbanized areas of Oahu such as the Primary Urban Center, East Honolulu, Central Oahu, and Ewa." This role is reaffirmed by a general policy to "Preserve agricultural lands for current and future agricultural uses and support the diversified agriculture industry."

The proposed zone change is consistent with this basic role of the North Shore because it will establish agricultural zoning for the site.

- b. The Vision for North Shore. Section 2.1 is a vision statement of what the North Shore should be like in the year 2035. Desired outcomes include:
- The growth of a stable and diverse agricultural industry
 - The long-term protection of the North Shore's agricultural lands and open space setting
 - Flourishing agricultural enterprises, including crop production, agricultural processing, and other support services

Key elements of North Shore's Vision (Section 2.2) relevant to the proposed zone change include:

- Maintain the Community Growth Boundary to Protect Agriculture, Open Space, and Natural Resources. Section 2.2.1 calls the Community Growth Boundary to "guide development and preserve open space and agricultural areas." The uses outside this

boundary which are to be protected include agricultural lands and preservation lands with scenic or open-space value.

The proposed zone change to agricultural use is consistent with this vision element because the site is outside of the Community Growth Boundary.

- Promote a Diversified Agricultural Industry. The goal is as follows: "In addition to using the Community Growth Boundary to ensure long-range protection for agricultural lands, land use policies and guidelines are in place to protect agricultural lands from encroachment by incompatible uses and to encourage long-term investments in productive agricultural uses on those lands."

The Applicant's proposed zone change is consistent with this goal. It expands the area available for agricultural use and results in some diversification of crops.

- c. Land Use Policies and Guidelines. Section 3.1.2.2 (Shoreline Areas) includes the following statement:

- "Improve and expand public access to the shoreline at approximately ½-mile intervals with vehicular and bicycle parking and lateral access along the shoreline."

Beach access is available at the western end of the project site through the adjacent Army Beach (which allows public beach access) and Mokuleia Beach Park (which provides public beach access a little over half a mile to the east). Thus, the basic goal of readily available beach access is already being met.

- d. Relation to Land Use Map. The proposed zone change is consistent with the project site's agricultural designation on the North Shore SCP's Land Use Map. This designation was changed during the 2011 revision to the North Shore SCP at the request of the Applicant.

3. Chapter 21, ROH, LUO. The Applicant's request for AG-2 zoning and the Department's recommendation of AG-1 zoning are discussed below:

Agricultural District – Purpose and Intent. Section 21-3.50 of the LUO states:

- a. "The purpose of the agricultural districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, accessory agribusiness activities may be permitted on the same site as an adjunct to agricultural uses. These accessory activities must be compatible with the on-site agricultural operation and surrounding land uses."

- b. "The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district."
- c. "The following guidelines shall be used to identify lands which may be considered for the AG-1 restricted agricultural district:
 - (1) Lands which are within the state-designated agricultural district and designated agricultural by adopted city land use policies;
 - (2) Lands which are predominantly classified as prime or unique under the agricultural lands of importance to the State of Hawaii system; and
 - (3) Lands where a substantial number of parcels are more than five acres in size."
- d. "The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land. The following guidelines shall be used to identify lands which may be considered for the AG-2 general agricultural district:
 - (1) Lands which are in the state-designated agricultural or urban district and designated agricultural by adopted city land use policies;
 - (2) Lands which are predominantly classified as other under the agricultural lands of importance to the State of Hawaii system; and
 - (3) Lands which are used or are suitable for agricultural purposes and where a substantial number of parcels are less than five acres in size."

The site is in the State Agricultural District and designated Agricultural by the North Shore SCP. The site has not been classified under the ALISH system probably because it was not zoned for agriculture. The soil has a low productivity rating according to the Land Study Bureau. Both parcels are more than five acres in size. In summary, the site meets Guideline 1 for both AG-1 and AG-2. Guideline 2 for both AG-1 and AG-2 is not applicable since the site is not rated by the ALISH system. The site meets Guideline 3 for AG-1 and not for AG-2 since the two parcels are more than five acres in size. Nearby agricultural zoned lands are parcels more than five acres in size, including the AG-2 lands of Dillingham Airfield and the AG-1 lands of 184 acres of farmed land at the eastern end of Dillingham Airfield.

We find a zone change to AG-1 more appropriate based on a review of the Guidelines, in particular Guideline 3, and recommend a zone change to AG-1 rather than AG-2.

The five acre minimum lot size of AG-1 zoning would not allow subdivision of the property into smaller agricultural lots, which the Applicant has already said he does not plan to do so.

The differences between AG-1 and AG-2 zoning are minimal. Minimum lot size is five acres for AG-1 and two acres for AG-2. Except for minimum lot size, the development standards are the same, and the only uses allowed in AG-2 but not AG-1 are uses such as game preserves, commercial kennels, zoos, waste disposal and processing, outdoor recreation facilities, cemeteries, day-care facilities, meeting facilities, and schools.

The proposal for a farm operation and farm dwellings is consistent with the purpose and intent of both the AG-1 Restricted Agricultural District and the AG-2 General Agricultural District. It was used for grazing for decades and is adjacent to a large area of AG-1 and AG-2 zoning. We are recommending AG-1 zoning since the project more appropriately meets the guidelines for the AG-1 district.

C. Compliance with Environmental Legislation

1. Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules, Environmental Impact Statements. An Environmental Assessment (EA) is not triggered by this zone change application, because no State or County funds are involved and because rezonings to agricultural or preservation use do not trigger an EA. Section 24-8.1 of the North Shore Sustainable Communities Plan Ordinance (Chapter 24, Article 8, ROH) defines a "significant zone change" for which an EA must be prepared as changes to urban uses, specifically "excluding preservation or agricultural zoning districts".

An EA may be required later if the proposed use changes in such a way as to trigger the need for a Special Management Area Permit, as explained below.

In addition, the requirements of Chapter 343, HRS would be triggered if any active use of the property is proposed that involves "any use within the shoreline area". However, the Applicant states that his agricultural operation will be set well back from the shoreline, and thus will avoid any impacts on the stretch of beach fronting the property, as well as any EA requirement.

Chapter 6E-42, HRS, Historic Preservation. The SHPD has not yet responded to the DPP's request for comments. However, the OHA and the OP requests that an Archaeological Inventory Survey be completed prior to rezoning. The OHA notes that this area was well-known for native Hawaiian burial sites.

According to the Applicant, a factor to consider is that large areas of the site have been disturbed by sand mining activities. The Applicant stated that he is working with a cultural expert to test the site for the presence of burials. The DPP recommends as a condition of approval that the Applicant consult with SHPD and satisfy any requirements by the SHPD regarding such matters as the need for an Archaeological Inventory Survey.

3. Chapter 21, Article 9, Special District Regulations, Flood Hazard Districts, LUO. The State DLNR reports that the project site is located in Flood Zone D as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps. Flood Zone D means that the area has an undetermined flood hazard. It is one

of the flood zones not subject to the flood hazard district regulations in Section 21-9.10 of the LUO.

4. Tsunami Evacuation Zone. The project site is located within the City's Tsunami Evacuation Zone. In the area of the project site, the Tsunami Evacuation Zone stretches up to 2,000 feet inland from the shoreline. It encompasses Dillingham Airfield's entire main runway and the airfield's main cluster of buildings (located just mauka of the runway). During a tsunami, occupants in this area should move to a safe location.
5. Chapter 23, ROH, Shoreline Setbacks, and Chapter 25, ROH, Special Management Area (SMA) Ordinances. The project site is within the SMA and is partly within the Shoreline Setback Area. Therefore, the project site is subject to the requirements under both Chapters 23 and 25, ROH. However, no SMA requirement would be triggered unless: (1) the Applicant seeks permits to build more than two farm homes on any parcel; (2) the Applicant seeks an agricultural cluster, a lot consolidation, or an agricultural subdivision; or (3) the project plan is revised to include allowed uses with greater impacts than crop cultivation and farm homes. The Applicant is aware of this requirement and will comply with the SMA ordinance.

The property's existing shoreline setback requirement is 40 feet from the certified shoreline. A 60-foot setback is generally required for a new subdivision action that increases residential density to reduce hazards to property from coastal floods and erosion. To address potential coastal flood and erosion, a condition of approval for a 60-foot shoreline setback is recommended.

6. Flora and Fauna. The Applicant was not required to prepare an EA, and thus did not conduct a flora and fauna survey. However, the OP recommends that such a study be done, to verify that the site does not contain any candidate, threatened, or endangered species. Also, the Airports Division of the DOT advises the Applicant of a Federal Aviation Administration advisory of agricultural activity that could potentially attract hazardous wildlife that may affect aircraft operations, since Dillingham Airfield is just across the highway from the project site.

Based on OP comments, the DPP recommends as a condition of approval that the Applicant conduct a flora and fauna survey by a qualified professional and comply with the survey recommendations.

7. Noise and Odor. On-site construction may result in temporary noise and dust that may affect adjacent residences to the east and beach goes on adjacent land. Farming activity may result in odors and dust. However, best management practices should mitigate any potential impacts. Furthermore, the Applicant will be required to adhere to applicable State and City rules and regulations relating to noise and air quality. No condition of approval is recommended.
8. Visual Resources. The North Shore SCP has two policy statements on view protection, which relates directly to the project site.

First, the North Shore's significant scenic views include views inland from the shoreline in this general area. Second, agricultural structures should be sited so

as to protect views from nearby areas and from highways. The project, as currently planned, would have minimal visual impacts, since the existing rows of windbreak trees along the highway and along the town side would be maintained, and any farm homes would be located well away from the shoreline. No condition of approval is recommended.

D. Public Facilities and Services. The review conducted by various agencies was based on the proposed uses stated in the Applicant's zone change application. Agency comments received regarding the specific public facilities and services are summarized below.

1. Transportation. Farrington Highway is a two-lane roadway running east to west from Waialua to near Kaena Point. It is almost entirely owned by the State, but a few privately-owned sections remain. There is one driveway access from the highway to the 13.1-acre project site.

The DOT stated in its April 5, 2013 letter that the proposed agricultural use is unlikely to have a significant traffic impact. However, the DOT may require a traffic impact analysis should the landowner subdivide the property or increase the density. The DOT letter also states that a second driveway access to the site can be granted through the DOT's standard application and approval process. Therefore, a condition of approval is not recommended.

2. Water. The area is served by a private water system, the former Dillingham Ranch system which is now owned by the U. S. Army and is managed by the Airports Division of the DOT. This private water system is reportedly quite limited in capacity. The BWS' municipal water service ends two and a half miles away at Mahinaai Street and Farrington Highway, and there are no plans to extend the service to the subject area.

According to a May 1, 2013 letter from the Applicant, the Applicant was granted approval to begin water usage by the private water system in the Fall of 2012, and an approved water meter was installed. A 1-½-inch water pipe from the private water system serves the site.

The HFD comments that the standard requirement for a fire hydrant in the vicinity of the project site will apply, which may necessitate a new water pipe with sufficient capacity to serve the needed fire hydrant. However, in his May 1, 2013 letter, the Applicant states that the HFD has been granting exceptions within this area to waive the fire hydrant requirement if a sprinkler system is installed in the proposed new dwelling.

The Applicant states that he may need to use well water for some farming activities, in which case prior approval from the State Commission on Water Resource Management would be required for both well drilling and water use. The Applicant reports that noni fruit does not have high water demands and that it grows well in a sand and salt environment. Also, according to a letter by Dr. Scot C. Nelson, an agricultural consultant with the University of Hawaii, each seedling or young plant of noni trees will need to be irrigated until well established, requiring three to five gallons of water a day. A neighboring landowner comments that the on-site well water may be too salty even for agricultural purposes.

The proposed 13-acre farm operation will grow a salt-tolerant crop that does not have high water demands. Thus, the proposed zone change is not anticipated to have a significant impact on water resources. In later permit processes, the Applicant will need to provide a sufficient supply of water for agricultural use, domestic use, and fire protection. Therefore, a condition of approval is not recommended.

3. Wastewater. Since this area is not served by the City's municipal wastewater system, the Applicant plans to use septic tanks for his one or more farm dwellings. However, the DOH states in its March 19, 2013 letter that they have concerns over future beachfront septic tank systems islandwide due to past problems with poorly-constructed or maintained septic tanks, and also due to potential future problems due to sea level rise. In fact, DOH is revising its policies regarding oceanfront land development and would prefer that this zone change not be approved. However, the DOH Wastewater Branch has no objections to septic tank applications under the current rules, and this situation will continue until DOH's new islandwide policies and rules are finalized and approved. Thus, the DOH requirements in effect at the time of development will determine the need for a permit. Therefore, a condition of approval is not recommended.
4. Drainage. The project site is vacant land that has been used for grazing and sand mining. No drainage improvements have ever been made, so water sheet-flows to the ocean; there is no municipal drainage system in this area. The applicable drainage restrictions are the DOH regulations and the National Pollutant Discharge Elimination Permit, which applies to construction activities such as drainage systems, well drilling, dewatering, or the development of an acre or more of land. As a farming option, the Applicant can pursue a conservation program in accordance with soil conservation practices acceptable by the Soil and Water Conservation District. Since there are existing applicable permit requirements, a condition of approval is not recommended.
5. Solid Waste. The Applicant has confirmed with the City that municipal refuse collection is available to the area across from Dillingham Airfield. He also plans to either compost his green waste from agricultural activities or haul it to the Kailua Transfer Station in Haleiwa. Therefore, a condition of approval is not recommended.
6. Police Protection. Mokuleia is within HPD's District 2 (Wahiawa/North Shore) and is served by the Wahiawa Police Station located in Wahiawa. The HPD foresees no significant impacts of this project on their operations. Therefore, a condition of approval is not recommended.
7. Fire Protection. The nearest fire station is the Waialua Fire Station, which is approximately five miles from the project site. The HFD stated its standard requirements for fire access roads, adequate water supply, fire hydrants that are in compliance with the current fire code, and civil drawings, and plans are to be submitted to the HFD for review and approval. All HFD requirements must be met prior to building permit approval. Therefore, a condition of approval is not recommended.

IV. CONCLUSIONS OF LAW

The Director hereby makes the following conclusions:

Based on the foregoing analysis, the proposed zone change is consistent with State and City land use plans and policies. The proposed zone change also meets the purpose, intent, and development standards of the AG-1 Restricted Agricultural District in the LUO and can be handled by existing and planned infrastructure. The proposed zone change with the recommended conditions of approval is anticipated to not have a significant negative social, economic, or environmental impact on the surrounding land uses.

V. RECOMMENDATION

Pursuant to the foregoing Findings of Fact, Analysis, and Conclusions of Law, the Director of the Department of Planning and Permitting (DPP) recommends that a change in zoning from the P-2 General Preservation District to the AG-1 Restricted Agricultural District be APPROVED as shown on the map marked **Exhibit A** in the attached draft Ordinance and subject to the Applicant's execution of a Unilateral Agreement under the provisions of Section 21-2.80 of the Land Use Ordinance (LUO) to be recorded with the Bureau of Conveyances. The recommended conditions of approval include the following:

1. Archaeological Inventory Survey. Prior to issuance of a grading, grubbing, or building permit, whichever is first, the Declarant shall consult with the Department of Land and Natural Resources, State Historic Preservation Division (SHPD), regarding the need for an Archaeological Inventory Survey and/or mitigation plan. In the event the SHPD determines that a mitigation plan is required, the Declarant shall comply with the SHPD recommendations and requirements.
2. Required 60-foot Shoreline Setback. The Declarant shall abide by a shoreline setback of 60 feet from the certified shoreline established by a certified shoreline survey prior to the issuance of building permits.
3. Flora and Fauna. Prior to issuance of a grading, grubbing, or building permit, whichever is first, the Declarant shall conduct a flora and fauna survey by a qualified professional. In the event that a mitigation plan is required, the Declarant shall comply with its recommendations and requirements.
4. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of this zone change does not constitute compliance with other LUO or governmental agencies' requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the proposed project approved under this permit comply with all applicable LUO and other governmental agencies' provisions and requirements.
5. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction and/or describing its progress toward complying with each condition of approval for this zone change. This status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied. Failure to do so may result in delays in processing of further permits.

6. Noncompliance or Failure to Fulfill Any Conditions. In the event of noncompliance or failure to fulfill any of the conditions set forth herein, the Director of the DPP shall inform the Council and may institute action to terminate or stop the project until applicable conditions are met. Noncompliance also may be grounds for revocation of the permits issued under this zone change. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

Dated at Honolulu, Hawaii, this 20th day of June, 2013.

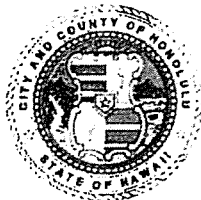
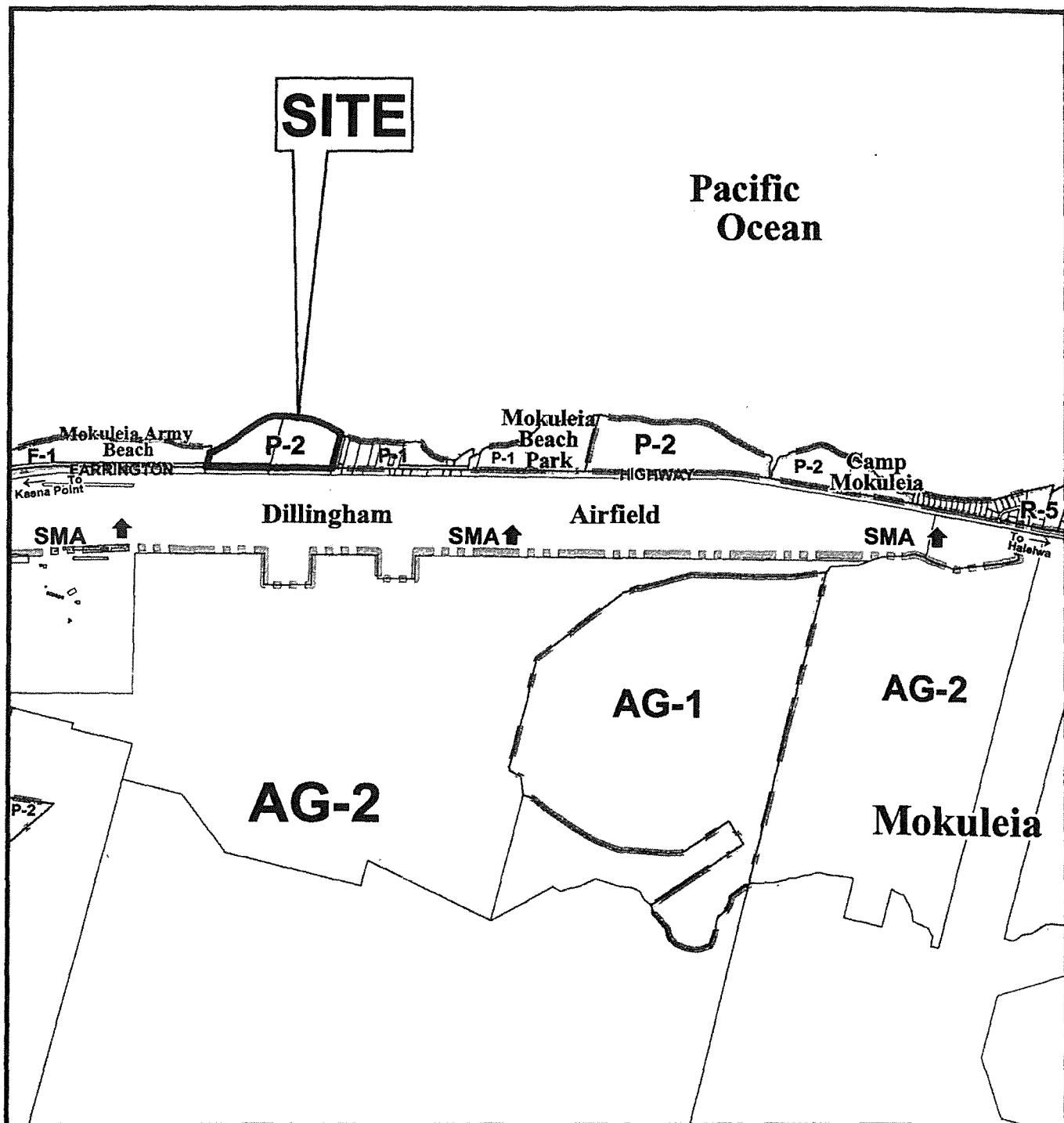
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By George I. Atta
George I. Atta, FAICP, Director
Department of Planning and Permitting

GIA:js

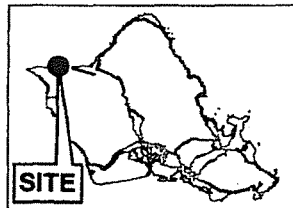
Attachments

ATTACHMENT 1
(MAPS)



1,500 750 0 1,500

Scale in Feet



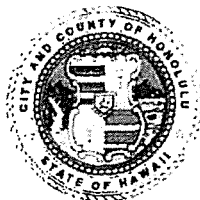
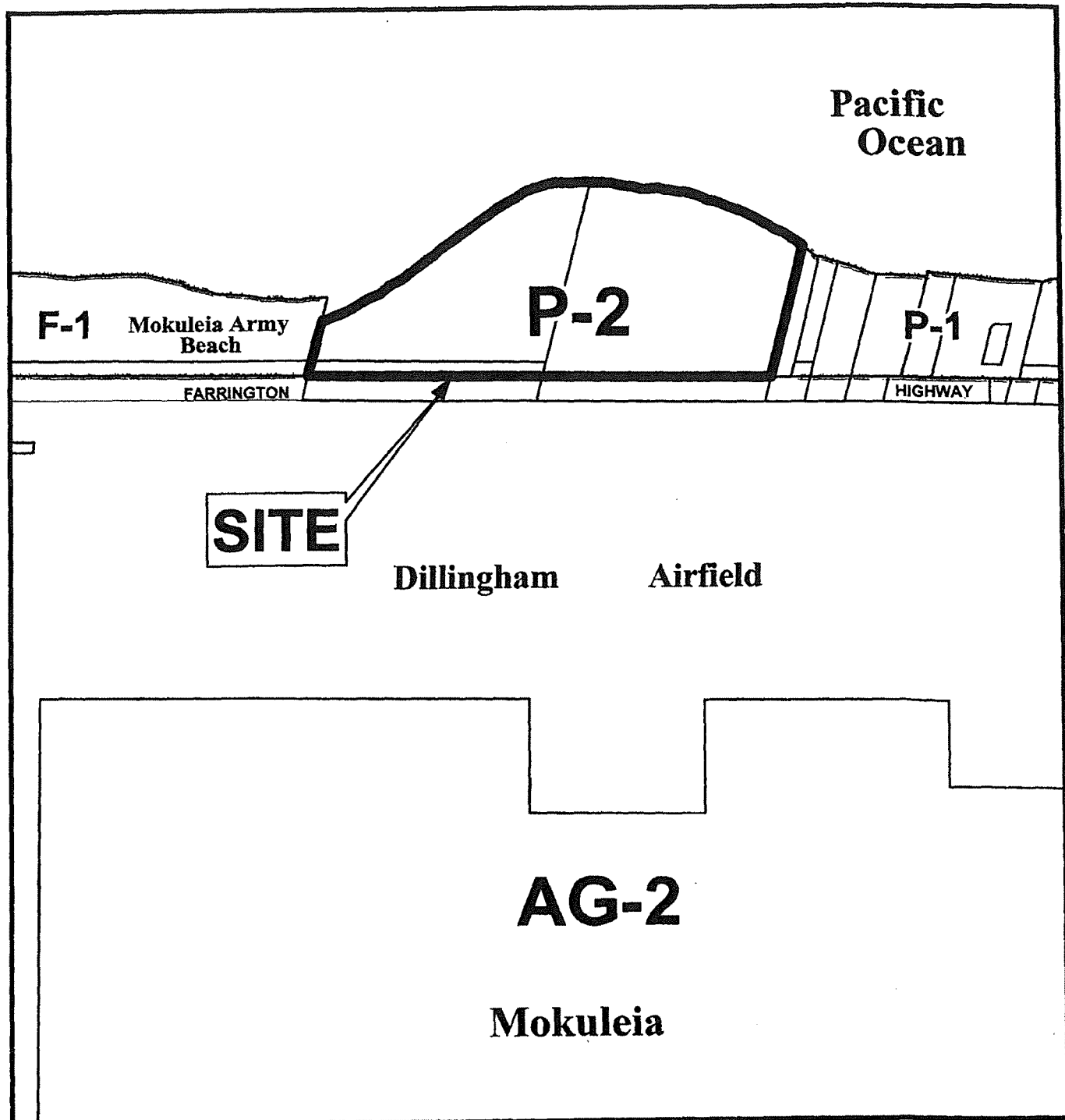
VICINITY MAP



LOCATION MAP w/ Existing Zoning and SMA WAIALUA

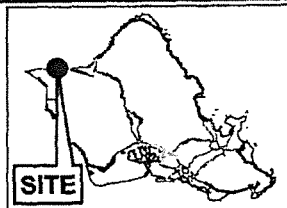
TAX MAP KEY(S): 6-8-02: 10 & 14

FOLDER NOS.: 2013/Z-4



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Scale in Feet



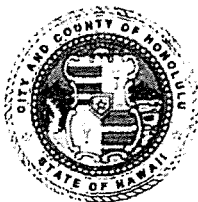
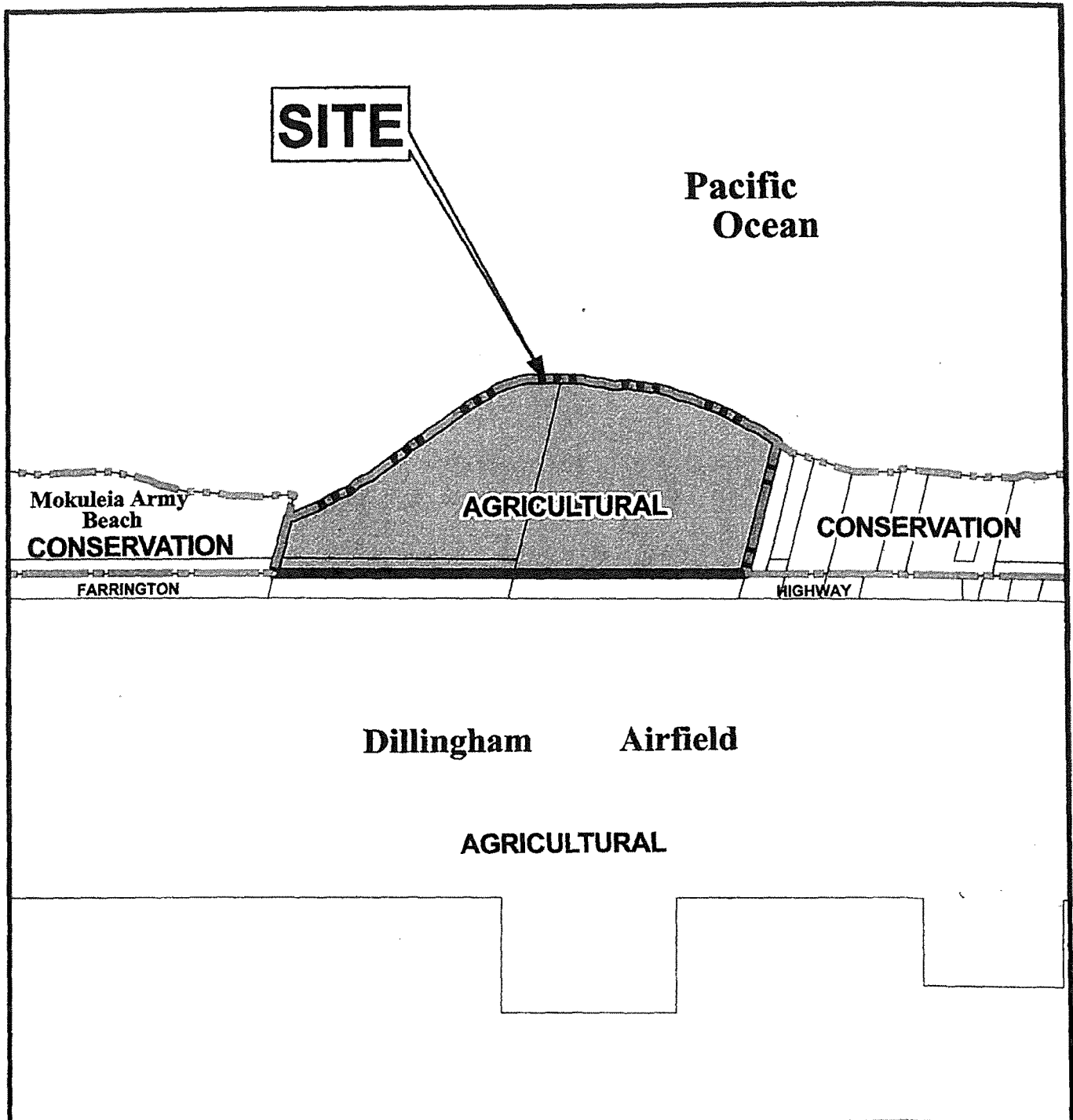
VICINITY MAP



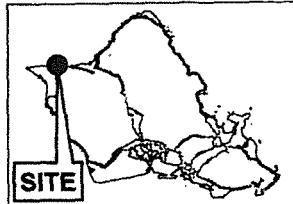
**PORTION OF
EXISTING ZONING MAP
MOKULEIA-WAIALUA-HALEIWA**

TAX MAP KEY(S): 6-8-02: 10 & 14

FOLDER NOS.: 2013/Z-4



400 200 0 400
Scale in Feet



VICINITY MAP



**PORTION OF
STATE LAND USE MAP
KAENA QUADRANGLE**

TAX MAP KEY(S): 6-8-02: 10 & 14

FOLDER NOs.: 2013/Z-4

ATTACHMENT 2
(AGENCY & COMMUNITY COMMENTS)

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



March 14, 2013

KIRK CALDWELL, MAYOR

DUANE R. MIYASHIRO, Chairman
MAHEALANI CYPHER, Vice Chair
THERESIA C. McMURDO
ADAM C. WONG
KAULANA H. R. PARK

ROSS S. SASAMURA, Ex-Officio
GLENN M. OKIMOTO, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer *EW*

RECEIVED

'13 MAR 25 P1:12

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

TO: GEORGE I. ATTA, FAICP, LEED AP, CEI, DIRECTOR DESIGNATE
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ERNEST Y. W. LAU, P.E., MANAGER AND CHIEF ENGINEER *EW*

SUBJECT: YOUR MEMORANDUM DATED MARCH 1, 2013, REGARDING
THE APPLICATION FOR A ZONE CHANGE FROM P-2 GENERAL
PRESERVATION DISTRICT TO THE AG-2 GENERAL
AGRICULTURAL DISTRICT, 2013/Z-4 (mw), MOKULEIA
TAX MAP KEY: 6-8-002: 010 AND 014

We do not have a water system in the vicinity of the proposed zone change.

Water service should be provided by the private water serving this area.

If you have any questions, please contact Robert Chun at 748-5443.

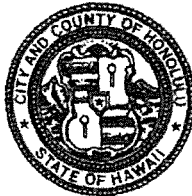
RECEIVED
DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707
Phone: (808) 768-3003 • Fax: (808) 768-3053
Website: www.honolulu.gov

'13 MAR 22 P3:58

KIRK CALDWELL
MAYOR

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



TONI P. ROBINSON
DIRECTOR

JEANNE C. ISHIKAWA
DEPUTY DIRECTOR

March 20, 2013

TO: GEORGE I. ATTA, FAICP, LEED AP, CEI, DIRECTOR DESIGNATE
DEPARTMENT OF PLANNING AND PERMITTING

FROM: TONI P. ROBINSON, DIRECTOR

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM THE P-2 GENERAL
PRESERVATION DISTRICT TO THE AG-2 GENERAL AGRICULTURAL
DISTRICT, MOKULEIA, OAHU (TMK 6-8-2: 10 AND 14)

Thank you for the opportunity to review and comment on the subject application from Kealia Farms, LLC to rezone approximately 13.1 acres for growing noni fruit and possibly erecting up to four (4) farm dwellings.

The Department has no objection to approval of the subject application.

Should you have any questions, please contact Mr. John Reid, Planner, at 768-3017.

A handwritten signature in black ink that reads "Toni P. Robinson".

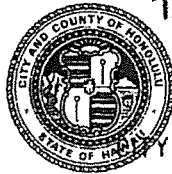
Toni P. Robinson
Director

TPR:jr
(505054)

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

KIRK CALDWELL
MAYOR



13 APR -8 P2:49

MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

April 8, 2013

TO: GEORGE ATTA, FAICP, LEED AP, CEI, DIRECTOR DESIGNATE
DEPARTMENT OF PLANNING AND PERMITTING

FROM: EMMIT A. KANE, ASSISTANT CHIEF

SUBJECT: ZONE CHANGE APPLICATION NO. 2013/Z-4
MOKULEIA, OAHU, HAWAII
TAX MAP KEYS: 6-8-002: 010 AND 014

In response to your memorandum of March 1, 2013, regarding the above-mentioned subject, the Honolulu Fire Department (HFD) requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1; Uniform Fire Code [UFC]TM, 2006 Edition, Section 18.2.3.2.2.)

A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA1; UFCTM, 2006 Edition, Section 18.2.3.2.1.)

2. A water supply approved by the county, capable of supplying the required fire flow for fire protection, shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be

301 1 00452

George Atta, FAICP, LEED AP, CEI, Director Designate
Page 2
April 8, 2013

provided when required by the AHJ [Authority Having Jurisdiction].
(NFPA 1; UFCTM, 2006 Edition, Section 18.3.1, as amended.)

3. Submit civil drawings to the HFD for review and approval.

Should you have questions, please contact Battalion Chief Socrates Bratakos of our Fire Prevention Bureau at 723-7151 or sbratakos@honolulu.gov.


for EMMIT A. KANE
Assistant Chief

EAK/SY:bh

APPLICANT'S PROPOSAL :

The applicant plans a farm operation – growing noni fruit – along with possibly up to four farm dwellings, although the zoning would allow more farm dwellings. The 13-acre site will also continue to have windbreak trees, so that the site's existing heavily vegetated appearance will continue. The applicant also states that he will engage in "no further subdivision of the property".

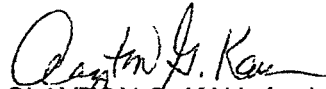
DEPARTMENT COMMENTS:

PROJECT FILE NUMBER 2013/Z-4

This project should have no significant impact on the operations of the Honolulu Police Department.

If there are any questions, please call Major Thomas Grossi of District 2 at 723-8701.

RECEIVED
13 MAR 18 09:09
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



CLAYTON G. KAU, Assistant Chief

Signature/Title Support Services Bureau

March 14, 2013

Date

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

RECEIVED



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

'13 MAR 21 P3:15

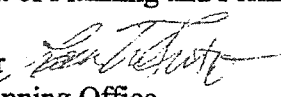
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
13-058
P-2 to AG-2

March 19, 2013

TO: George I. Atta, FAICP, LEED AP, CEI, Director Designate
City and County of Honolulu, Department of Planning and Permitting

FROM: Laura McIntyre, AICP, Program Manager 
Department of Health, Environmental Planning Office

SUBJECT: Application for a Zone Change from the P-2 General Preservation District to the
AG-2 General Agricultural District, Mokuleia, Oahu, TMK: (1) 6-8-2: 10 and 14

Thank you for the opportunity to review and comment on this application for a zone change in the Mokuleia community on the North Shore. We understand that the applicant, Kealia Farms, LLC seeks to rezone 13.1 acres of land from the P-2 General Preservation District to the AG-2 General Agricultural District to grow noni fruit and build up to six farm dwellings, one dwelling per each 2 acre+ parcel under the AG-2 zoning regulations.

We have evaluated the impact of the property on:

- (1) The ability to serve the project's infrastructure needs; and
- (2) Issues concerning public health, safety and welfare.

The Environmental Planning Office (EPO) is currently revising the Department of Health (DOH), Environmental Health Administration (EHA) policies in regards to oceanfront land development. The EPO has concerns regarding septic tanks on properties adjacent to the ocean given the potential for water pollution into waters of the United States, especially given the number of septic systems failures we have seen (due to poor installation by unlicensed contractors, lack of maintenance or inappropriate leech fields). EPO is also very concerned about the very likely impact of sea level rise (SLR). SLR is now accepted and expected by the US Federal Government as demonstrated in their recent guidance to the Army Corp of Engineers (USACE). The USACE must now consider sea level rise in their activities. The EPO also has concerns as to why the zoning change is necessary. EPO would prefer that the parcel remain as P-2, General Preservation District which already allows farming.

EPO discussed this project with the Clean Water Branch. As you may be aware, the EHA is currently dealing with a number of cesspool and septic tank related water quality violations, some of which have even required the involvement of the Environmental Protection Agency (EPA Region 9). In our upcoming 2014 State of Hawaii Water Quality Monitoring and Assessment Report we will provide more information on problem areas.

Promoting Lifelong Health & Wellness

COPY

Mr. George I. Atta
March 19, 2013
Page 2

EPO also discussed this project with the Wastewater Branch. They agree with Section 5.1 of the application that discusses wastewater disposal. They look forward to reviewing construction plans for any new dwellings and strongly encourage that if any septic tanks are installed, that they are built by a licensed contractor and regularly maintained so as not to pollute into US waters, thereby violating the US Clean Water Act.

EPO would very much welcome the opportunity to discuss this zone change application, and those that are likely in the future, to ensure the quality of water in the US and the health of our residents and visitors.

We request a written response confirming receipt of this letter and any other letters you receive from DOH in regards to this submission.

You may mail your response to 919 Ala Moana Blvd., Ste. 312, Honolulu, Hawaii 96814.

However, we would prefer an email submission to epo@doh.hawaii.gov. We anticipate that our letter(s) and your response(s) will be included in the final document. If you have any questions, please contact me at (808) 586-4337.

c: Gary Gill, Deputy Director for Environmental Health
Alec Wong, Chief, Clean Water Branch
Sina Pruder, Supervisor, Wastewater Branch
✓Mike Watkins, Department of Planning and Permitting

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 3, 2013

City and County of Honolulu
Department of Planning and Permitting
Attn: Mr. Mike Watkins
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

via email: mwatkins@honolulu.gov

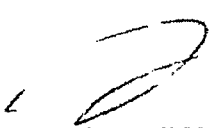
Dear Mr. Watkins,

SUBJECT: File Number 2013/Z-4, Application for a Zone Change from the P-2 General Preservation District to the AG-2 General Agricultural District, Mokuleia, Oahu (TMK 6-8-2: 10 and 14); Kealia Farms, LLC

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from (1) Land Division Oahu District; (2) Engineering Division; and (3) Office of Conservation and Coastal Lands. No other comments were received as of our suspense date. Should you have any questions, please feel free to call Supervising Land Agent Steve Molmen at 587-0439. Thank you.

Sincerely,


Russell Y. Tsuji
Land Administrator

Enclosure(s)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. ARA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT


STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 7, 2013

MEMORANDUM

TO: DLNR Agencies:
___ Div. of Aquatic Resources
___ Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
___ Div. of State Parks
X Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division Oahu District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator 

SUBJECT: Application for a Zone Change from the P-2 General Preservation District to the AG-2 General Agricultural District, Kealia Farms, LLC

LOCATION: Mokuleia, Oahu, TMK 6-8-2: 10 and 14

APPLICANT: Kealia Farms, LLC


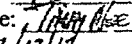

Transmitted for your review and comment on the above-referenced document. We would appreciate your comments on this document. The applicant provided only a limited number of CD-ROMS. If we have not provided you with a copy, it can be located here:

1. Go to: <https://sp01.ld.dlnr.hawaii.gov/LD>
2. Login: Username: LD\Visitor Password: Opa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Application for a Zone Change, Kealia Farms, LLC", then click on "Files" and "Download a copy".

Please submit any comments by April 2, 2013. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

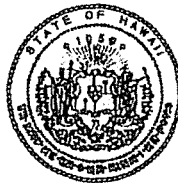
Attachments

- () We have no objections.
() We have no comments.
() Comments are attached.

Signed: 
Print Name: 
Date: 3/13/13 

c: Central Files

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AHLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 7, 2013

MEMORANDUM

TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division Oahu District
- ☒ Historic Preservation

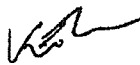
RECEIVED
LAND DIVISION
2013 MAR 22 AM 10:03
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

FROM:

SUBJECT:

LOCATION:

APPLICANT:

Russell Y. Tsuji, Land Administrator 
Application for a Zone Change from the P-2 General Preservation District to the AG-2 General Agricultural District, Kealia Farms, LLC
Mokuleia, Oahu, TMK 6-8-2: 10 and 14
Kealia Farms, LLC

Transmitted for your review and comment on the above-referenced document. We would appreciate your comments on this document. The applicant provided only a limited number of CD-ROMS. If we have not provided you with a copy, it can be located here:

1. Go to: <https://sp01.ld.dlnr.hawaii.gov/LD>
2. Login: Username: LD\Visitor Password: 0pa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Application for a Zone Change, Kealia Farms, LLC", then click on "Files" and "Download a copy".

Please submit any comments by April 2, 2013. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

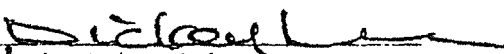
Attachments

- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed:

Print Name:

Date:


Cory S. Chong, Chief Engineer
3-28-13

c: Central Files

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

**REF: Application for a Zone Change from P-2 General Preservation District to AG-2 General
Agricultural District for Kealia Farms LLC, Mokuleia
Oahu.009**

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone D, an area where flood hazards are undetermined.
- () Please take note that the project site according to the Flood Insurance Rate Map (FIRM), is located in Zone .
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is .
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Mario Siu Li at (808) 768-8098 or Ms. Ardis Shaw-Kim at (808) 768-8296 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- () Mr. Carolyn Cortez at (808) 270-7813 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____
- () Other: _____

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: _____

MARTY S. CHANG, CHIEF ENGINEER

Date: _____

3-28-13

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AHLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 101
HONOLULU, HAWAII 96810-0101

March 7, 2013

MEMORANDUM

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division Oahu District
- ☒ Historic Preservation

RECEIVED
LAND DIVISION
2013 MAR 20 AM 10:00
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TO: FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Application for a Zone Change from the P-2 General Preservation District to the AG-2 General Agricultural District, Kealia Farms, LLC
LOCATION: Mokuleia, Oahu, TMK 6-8-2: 10 and 14
APPLICANT: Kealia Farms, LLC

Transmitted for your review and comment on the above-referenced document. We would appreciate your comments on this document. The applicant provided only a limited number of CD-ROMS. If we have not provided you with a copy, it can be located here:

1. Go to: <https://sp01.ld.dlnr.hawaii.gov/LD>
2. Login: Username: LD\Visitor Password: Opa\$\$word0 (first and last characters are zeros)
3. Click on: Requests for Comments
4. Click on the subject file "Application for a Zone Change, Kealia Farms, LLC", then click on "Files" and "Download a copy".

Please submit any comments by April 2, 2013. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

SUBJECT PARCELS
ARE NOT LOCATED IN
THE CONSERVATION
DISTRICT.

() We have no objections.
(X) We have no comments.
() Comments are attached.

Signed:
Print Name: ALEX ROY
Date: 3-18-13

c: Central Files

NEIL ABERCROMBIE
GOVERNOR



RECEIVED

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

'13 APR 10 P1:17

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

IN REPLY REFER TO:
STP 8.1159

April 5, 2013

Mr. George Atta
Director Designate
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

Subject: Kealia Farms, LLC
Zone Change Application (2013/Z-4)
TMK: 6-8-002:010 and 014

Thank you for requesting the State Department of Transportation's (DOT) review of the subject application. DOT understands the applicant proposes a zone change for two parcels located on Farrington Highway across from the Dillingham Airfield. The proposed zone change will allow the applicant to grow noni fruit and construct two farm dwellings on each parcel.

Given the location of the subject project, DOT Highways Division has concern regarding access while DOT Airports Division has concern regarding aircraft noise and overflight. DOT comments are as follows:

DOT-Airports

1. According to the attached Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, the FAA recommends a distance of five (5) statute miles between the airfields's air operations area (AOA) and any land use activity which could potentially attract hazardous wildlife that may impact aircraft operations at the airfield. The applicant should be advised that Section 2-6 in the Advisory Circular discusses agricultural activities which could attract wildlife activity.
2. The subject property is located across the highway from Dillingham Airfield and therefore, the applicant should be aware of potential noise, fumes, smoke and vibrations from aircraft flying into and out of the Airport.
3. The maximum height of buildings and vegetation must not exceed approximately 80 feet mean sea level (MSL) at the the closest point of the subject property to Dillingham Airfield.

Kealia 1024 259

Mr. George Atta
April 5, 2013
Page 2

STP 8.1159

4. The applicant must file a FAA Form 7460-1 Notice of Proposed Construction or Alteration with the FAA, prior to construction, at the following website:
<https://www.oecaa.faa.gov/external/portal.jsp>

DOT Highways

1. Given the limited description of the proposed use of the two parcels, it is not anticipated that the subject project will have a significant impact to DOT highway facilities. However, DOT reserves the right to require a traffic impact analysis and other improvements should the applicant or future landowner subdivide and/or increase the density of the parcel(s).
2. The applicant's prior request for a second access to Farrington Highway requires the applicant to follow up and coordinate the appropriate submittals and approvals with DOT Highways Division.

DOT appreciates the opportunity to provide comments. Should you have any questions, including the need to meet with DOT Airports Division or Highways Division staff, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,



GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Attachment: FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports

RECEIVED

PHONE (808) 594-1888

FAX (808) 594-1865



'13 APR 17 AIO 51

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU
STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD13-6646

April 16, 2013

Mr. George Atta
Director Designate
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Re: Notice of Application Zone Change, In the Area of Keālia Beach in Mokulē'ia From P-2 General Preservation to AG-2 General Agricultural District TMK: 6-8-2: 10 and 14. Department of Planning and Permitting Project File-2013/Z-4

Aloha e Mr. Atta:

The Office of Hawaiian Affairs (OHA) is in receipt of the application for a zoning change in the Mokulē'ia community TMK 6-8-2: parcels 10 and 14, which we received on March 13, 2013. We apologize for the delay in our response. The application proposes to rezone the aforementioned 13.1 acre TMK parcel from General Preservation P-2 to General Agricultural district AG-2 to grow noni fruit and construct up to four farm dwellings by the applicant Kealia Farms, LLC. We have substantial concerns with this applicant's proposal. The area of the proposed zoning change is a well-known area for iwi kūpuna (traditional Hawaiian burial sites); numerous burials have been identified over the last several decades in a variety of contexts in the directly adjacent parcels.

Prior to the rezoning of this parcel we recommend that you consult with Mr. Thomas Shirai, a lineal descendent of the Kawaihāpai area and member of the North Shore Neighborhood Board, and Kupuna Betty Jenkins member of the Waialua Hawaiian Civic Club. In addition prior to any zoning change which will result in ground altering activities, such as the proposed construction of farm dwelling indicated in the zoning change application and the use of the parcel for agricultural purposes, we recommend that the parcel undergo an Archaeological Inventory Survey (AIS) to determine the presence or absence of any cultural resources and/or historic properties of significance to the Hawaiian community. The AIS should be reviewed and approved by the Department of Land and Natural Resources (DLNR) State Historic Preservation

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Mr. George Atta
April 15, 2013
Page 2

Division (SHPD) to insure that it complies with Hawai'i Revised Statutes (HRS) §6E-42 and Hawai'i Administrative Rules (HAR) §13- 276, rules governing standards for Archaeological Inventory Surveys and Reports. If significant cultural resources are identified appropriate mitigation strategies, including but not limited to Archaeological Monitoring plan(s) and/or Preservation Plan(s), will be prepared and approved by the SHPD prior to the land use/zoning change and any associated ground disturbing activities.

If you have any questions or concerns about this letter, please contact Lauren Morawski at (808) 594-1997 or laurenm@oha.org.

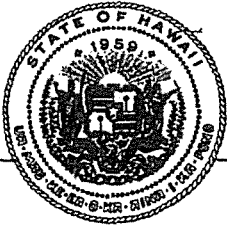
'O wau iho nō me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read "Kamano M. Crabbe".

Kamana'o pono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KMC;lm

C; William Aila- Department of Land and Natural Resources
Pua Aiu- State Historic Preservation Division (via email)
Susan Lebo- O'ahu Island Archaeologist (SHPD) (via email)



**OFFICE OF PLANNING
STATE OF HAWAII**

RECEIVED

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://hawaii.gov/dbedt/op/>

13 APR 10 11:58

Ref. No. P-13940

**DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU**
April 9, 2013

Mr. George I. Atta, Director
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Attention: Mr. Mike Watkins

Dear Mr. Atta:

Subject: Zone Change From P-2 General Preservation District to
AG-2 General Agricultural District 2013/Z-4
Kealia Farms, LLC
13.1 Acres
TMK: 6-8-2: 10 and 14, Mokuleia, Oahu

Thank you for the opportunity to review and comment upon the proposed Zone Change for 13.1 acres from the P-2 General Preservation District to the AG-2 General Agricultural District in Mokuleia, Oahu. The document indicates that the applicant proposes to grow Noni fruit and build up to four (4) farm dwellings, as would be permitted under the proposed zone change to AG-2 General Agricultural District. We have the following comments:

1. The proposal is consistent with the North Shore Sustainable Communities Plan.
2. We note that various agencies, such as the Department of Transportation, Fire Department, and University of Hawaii, Department of Plant and Environmental Protection Sciences, have commented on the proposal. The document indicates that the Department of Land and Natural Resources (DLNR), Commission on Water Resource Management, has submitted comments; however, the letter was not appended to the document. Also, we note that the DLNR State Historic Preservation Division was solicited for comments, but their comments were not included. Given the intensified development uses allowed in AG-2 versus P-2, we strongly recommend that a survey be completed prior to rezoning.
3. We also recommend that a flora and fauna survey be conducted. The applicant should demonstrate that the site does not contain any candidate, threatened, or

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Mr. George I. Atta

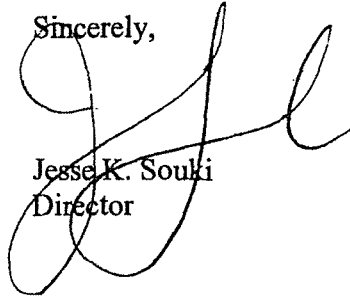
Page 2

April 9, 2013

endangered species. A complete listing of the potential resources should include all potential impacts to candidate, threatened, and endangered species in the area, including flora, fauna--vertebrates and invertebrates, etc.

If you have any questions, please contact Lorene Maki of our Land Use Division at 587-2888.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse K. Souki', written over the printed name and title.

Jesse K. Souki
Director

RECEIVED

'13 APR 12 P2:49

10 April 2013

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. George I. Atta
Director Designate
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Mr. Atta:

Subject: Zone Change Application by Kealia Farms, LLC
File Number 2013/Z-4

Thank you for your prompt response to my letter dated 08 March 2013. Based on my knowledge of potable water in the vicinity of the proposed Kealia Farms, it is suggested that your staff research further the information provided by the developer, based on the following:

1. The only operational potable water system in the area is that within Dillingham Airfield, U.S. Army owned and leased to the Airports Division, Department of Transportation, State of Hawaii. The adjacent Army beach area is served by this system but the area has not been operational and drawing water for over 10 years. The airport system is small and provides a limited supply of domestic water beyond its boundaries to approximately 5 small parcels of land.

It is my understanding that a written approval needs to be obtained from the airports division to connect to their system and perhaps from the Army as well since they are the owners of the water system.

2. Their comment in that the "area of land with much water" is questionable. The property is beach front and any water drawn is logically to be salt water, not brackish and therefore might not be suitable for crop irrigation. I found no water resources report to substantiate that brackish water is available or the minimum quality of water needed to sustain the proposed plant growth.

Scanned 02/24/2013

Mr. George I. Atta

10 April 2013

Page 2

I do agree that abundant potable water is can be found closer to the mountain and foot-hills area and the Honolulu Board of Water supply can be contacted for information. The problem is that this source is beyond their property.

3. It is true that the State Commission on Water Resource Management reviews all application for water well development. It has been my experience that any new well(s) development application is scrutinized very , very carefully, particularly as to the effects on ground water changes to water resources. This review could extend for over 10 years and involve test well drilling, draw-down testing and quality of water analysis. Just because there are numerous wells in the area, not being used, and probably developed circa 1920, in my opinion, is not a strong justification for well development.

It is suggested that documentation be provided by Kealia Farms confirming that the DOT Airports Division will allow that their source and quantity of potable water will be allowed for the proposed development. It would also be helpful if the location of the existing 1-1/2 inch water could be drawn on their map.

It is also suggested that documented confirmation as to the source, quality and quantity of irrigation water be obtained. An informal confirmation from the Sate Commission on a timetable for their review should be of great assistance in your review rather than relying solely on the applicants "say so" to avoid embarrassment at a later date.

Thank you for considering these comments.

Sincerely,


Donald H. Chung

1236 Elizabeth Street

Honolulu, HI 96816-3844

2013-03-11
RECEIVED

'13 MAR 11 A10:46

08 March 2013

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. George I. Atta
Director Designate
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

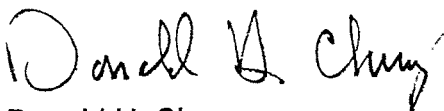
Dear Mr. Atta:

Subject: Zone Change Application by Kealia Farms, LLC
File Number 2013/Z-4

Thank you for informing me of the zone change application request. Please advise me as to how the applicant intends to obtain potable water for the proposed farm operation and for the four farm dwellings.

Thank you in advance for tending to this request for information.

Sincerely,



Donald H. Chung
1236 Elizabeth Street
Honolulu, HI 96816-3844
[TMK 6-8-8 : 24]

RECEIVED

FRANKLIN T. OPPERMAN
700 BISHOP STREET, STE. 1000
HONOLULU, HI 96813

13 MAR 25 AIO :08

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU
March 21, 2013

Mr. George Atta
Director Designate
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Atta:

SUBJECT: Comments to Application for Zoning Change
Kealia Farms, LLC
Tax Map Keys 6-7-00: 010 and 014
Mokuleia, Waialua, Oahu, Hawaii

I am in receipt of a copy of the above referenced Application to your Department for the zoning change of these parcels from its existing Preservation-2 to Agricultural-2. I am the owner of the neighboring property: 6-8-8: 20,22,39,42,43,44,45,46, 47 at 68-999 - 1005 Farrington Highway, Waialua, HI. I have reviewed the aforementioned Application and I herein submit the following preliminary comments as requested by your department.

First I would like to state that I am supportive of the requested proposed zoning change to Agricultural. As stated in the aforementioned Application, the subject property was previously zoned as Agricultural but changed to Preservation. I have reviewed the supporting statements provided in the request for the zoning change to Agriculture and agree with these statements subject to the following comments and concerns:

- 1) Having a similar situation to the Applicant, my neighboring property has also been previously rezoned from Agriculture to Preservation. This change in zoning has been subsequent to my ownership. The zoning rights allowed to the use of the property have been changed following my acquisition. I believe that the rezoning of my parcels, referenced above, should be similarly allowed as zoned Ag-2 from P-2, as they also are located within the State of Hawaii, Agricultural District.
- 2) The Application indicates a proposed use of the subject property as a farm and its corresponding development of farm dwellings. Although, I have no objection to the use of the property as a farm, I would like to comment on the availability of water. As indicated in the Application, the subject property and several neighboring properties, including "Dillingham Airfield", are utilizing a former

Mr. George Atta
Director Designate
Department of Planning & Permitting

Page 2
March 21, 2013

Dillingham Ranch water well for their water supply. This well is owned by the U.S. Army and leased to the State of Hawaii Airports Division. In addition to the airport it has been supplying water to several home owners and a beach park for decades. My concern is that this water supply will be sufficient to support the addition of a 13 acre farm and its associated proposed developments. I believe it is imperative that this water supply be adequate to support all the relevant users. In addition the assurance of the water supply continuity should be addressed. I have been involved in the application process with you department for approval to exchange a vacant parcel I own with my neighbor's adjacent parcel. As part of the approval of this "Consolidation and Resubdivision" Application it has been stipulated that I would need to submit a "Private Water System Certification" through a civil engineer, in the event a development of these two vacant lots are pursued. This was required because my property and several in the area are not serviced by the Board of Water Supply (public water source). I am hoping Kealia Farms, LLC will be able to resolve any issues regarding the adequacy of the water supply to the properties utilizing the existing water system. A farm and its dwellings would obviously require a substantial increase in water usage. Presently, the water supply and pressure will not accommodate this increase. I have no objection to the zoning change but the water issue must be resolved before any development should commence.

I have no other comments with regards to the additional aspects of this Application (i.e. Transportation, Waste Water Disposal, Fire Protection, Regulations, etc.).

I submit that should your department find this Application to change the subjects property's zoning from P-2 to Ag-2 acceptable, then a similar Application for the same re-zoning of my aforementioned properties should be favorably considered. In addition, should this request for rezoning be based on the subject's property connecting to the existing water supply and line, the adequacy of this water supply should be ensured and maintained.

Thank you for your consideration of my response and comments. I look forward to further information and correspondence with regards to this matter

Sincerely



Franklin T. Opperman

Cc Mark Hogue

700 BISHOP STREET, STE. 1000, HONOLULU, HI 96813 – (808) 523.2431

**ATTACHMENT 3
(DRAFT ORDINANCE)**



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT MOKULEIA, OAHU, HAWAII

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Zoning Map No. 17 (Mokuleia – Waialua – Haleiwa), Ordinance No. 86-134, is hereby amended as follows: Land situated at Mokuleia, Oahu, Hawaii hereinafter described, is hereby rezoned from the P-2 General Preservation District to the AG-1 Restricted Agricultural District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Keys: 6-8-002: 010 and 014.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.

DPP13Z-4.B13



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

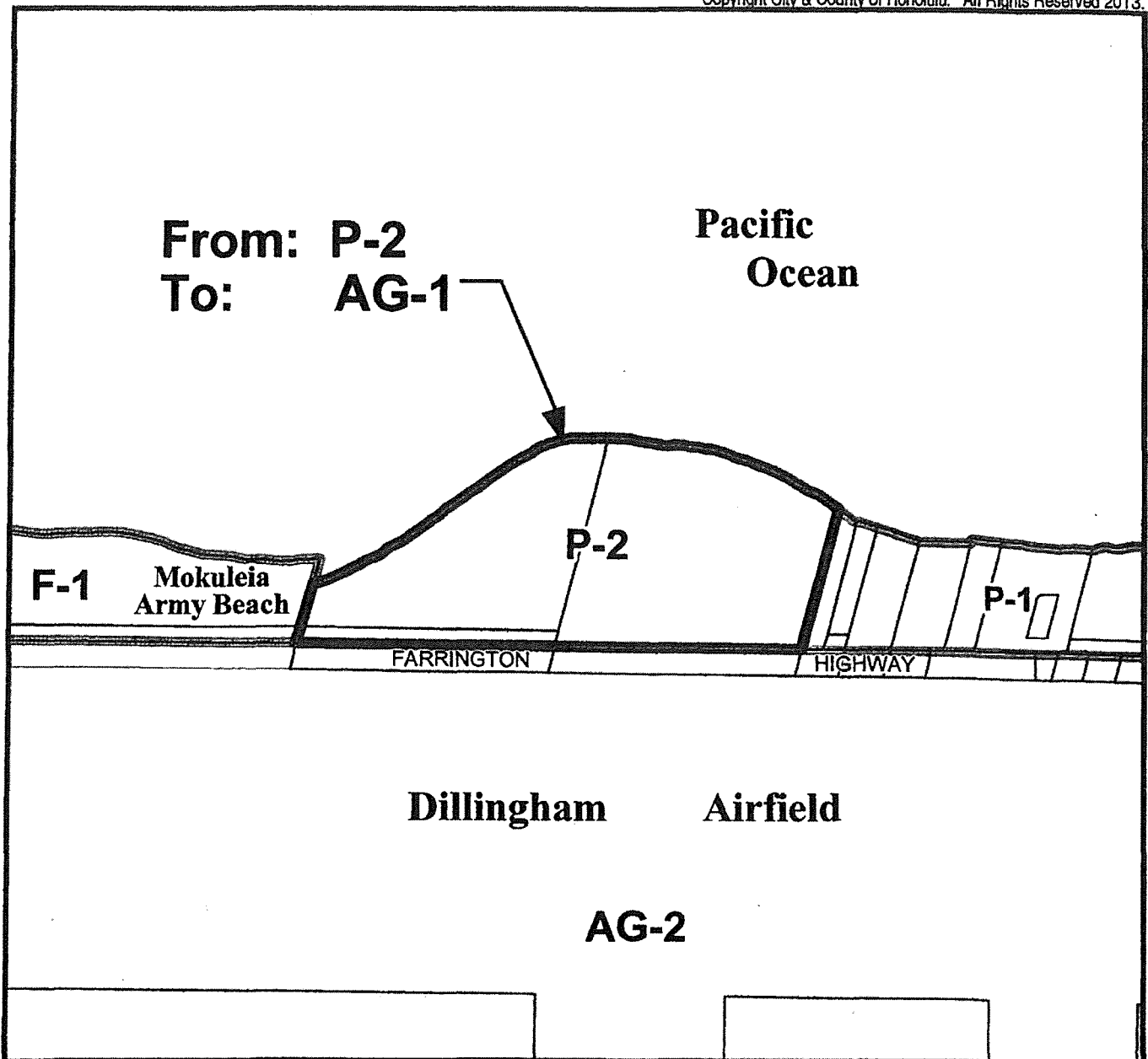
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

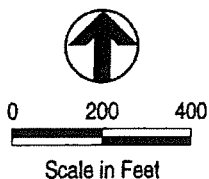
APPROVED this _____ day of _____, 20

KIRK CALDWELL, Mayor
City and County of Honolulu



PORTIONS OF
ZONING MAP No. 17
(MOKULEIA-WAIALUA-HALEIWA)

Land situated along Farrington Highway adjacent to Mokuleia Army Beach and across Dillingham Airfield.



APPLICANT: KEALIA FARMS, LLC

TAX MAP KEY(S): 6-8-02: 10 & 14

FOLDER NO.: 2013/Z-4

LAND AREA: Approx. 13 Acres

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING: PLANNING COMMISSION

CITY COUNCIL

ORD. NO.

2013/Z-2

EFF. DATE:

EXHIBIT A

EXHIBIT B
(DRAFT UNILATERAL AGREEMENT)